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09/937,611	01/08/2002	Michitaka Fukuda	2241/50458	2240

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EXAMINER

TORRES, JUAN A

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,611

Applicant(s)

FUKUDA, MICHITAKA

Examiner

Juan A. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1-3,5 and 7-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01252005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show in Fig. 4 the data transmission controller as described in the specification page 15 line 16. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because Fig. 5 block S11 the label "s128=S129" is suggested to be changed to "s128=s129" (see page 19 lines 6 and 7 of the specification". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is

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important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities:

In page 8 line 5 the recitation "Data reception controller 112" is improper. It is suggested to be changed to "Data transmission controller 112".

In page 15 line 14 the recitation "b122" is improper. It is suggested to be changed to "s122".

In page 15 line 14 the recitation "125" is improper. It is suggested to be changed to "s125".

In page 16 line 1 the recitation "b123" is improper. It is suggested to be changed to "s123".

In page 16 line 3 the recitation "122" is improper. It is suggested to be changed to "121".

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In page 16 line 7 the recitation "130" is improper. It is suggested to be changed to "s130".

In page 18 line 14 the recitation "10" is improper. It is suggested to be changed to "S10".

In page 18 line 17 the recitation "portion 126 with urges portion 126" is improper. It is suggested to be changed to "portion 123 with urges portion 126".

In page 18 line 19 the recitation "130" is improper. It is suggested to be changed to "s130".

In page 18 line 20 the recitation "11" is improper. It is suggested to be changed to "S11".

In page 18 line 23 the recitation "12" is improper. It is suggested to be changed to "S12".

In page 19 line 2 the recitation "13" is improper. It is suggested to be changed to "S13".

In page 19 line 8 the recitation "14" is improper. It is suggested to be changed to "S14".

In page 19 line 25 the recitation "20" is improper. It is suggested to be changed to "S20".

In page 20 line 2 the recitation "21" is improper. It is suggested to be changed to "S21".

In page 20 line 11 the recitation "22" is improper. It is suggested to be changed to "S22".

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In page 20 line 19 the recitation "24" is improper. It is suggested to be changed to "S24".

In page 20 line 24 the recitation "23" is improper. It is suggested to be changed to "S23".

In page 21 line 19 the recitation "30" is improper. It is suggested to be changed to "S30".

In page 21 line 24 the recitation "31" is improper. It is suggested to be changed to "S31".

In page 21 line 27 the recitation "32" is improper. It is suggested to be changed to "S32".

In page 22 line 3 the recitation "31" is improper. It is suggested to be changed to "S31".

In page 22 line 4 the recitation "33" is improper. It is suggested to be changed to "S33".

In page 22 line 6 the recitation "34" is improper. It is suggested to be changed to "S34".

In page 22 line 9 the recitation "33" is improper. It is suggested to be changed to "S33".

In page 22 line 10 the recitation "35" is improper. It is suggested to be changed to "S35".

In page 25 line 25 the recitation "40" is improper. It is suggested to be changed to "S40".

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In page 25 line 27 the recitation "41" is improper. It is suggested to be changed to "S41".

In page 26 line 3 the recitation "42" is improper. It is suggested to be changed to "S42".

In page 26 line 7 the recitation "41" is improper. It is suggested to be changed to "S41".

In page 26 line 9 the recitation "43" is improper. It is suggested to be changed to "S43".

In page 26 line 11 the recitation "44" is improper. It is suggested to be changed to "S44".

In page 26 line 20 the recitation "43" is improper. It is suggested to be changed to "S43".

In page 26 line 22 the recitation "46" is improper. It is suggested to be changed to "S46".

In page 26 line 25 the recitation "47" is improper. It is suggested to be changed to "S47".

In page 31 line 14 the recitation "40" is improper. It is suggested to be changed to "S40".

In page 31 line 14 the recitation "47" is improper. It is suggested to be changed to "S47".

In page 31 line 15 the recitation "40" is improper. It is suggested to be changed to "S40".

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In page 31 line 15 the recitation "47" is improper. It is suggested to be changed to "S47".

In page 31 line 15 the recitation "51" is improper. It is suggested to be changed to "S51".

In page 31 line 14 the recitation "40" is improper. It is suggested to be changed to "S40".

In page 31 line 14 the recitation "47" is improper. It is suggested to be changed to "S47".

In page 31 line 17 the recitation "41" is improper. It is suggested to be changed to "S41".

In page 31 line 18 the recitation "51" is improper. It is suggested to be changed to "S51".

In page 31 line 20 the recitation "42" is improper. It is suggested to be changed to "S42".

In page 31 line 21 the recitation "42" is improper. It is suggested to be changed to "S42".

In page 31 line 22 the recitation "51" is improper. It is suggested to be changed to "S51".

In page 31 line 23 the recitation "52" is improper. It is suggested to be changed to "S52".

In page 31 line 26 the recitation "53" is improper. It is suggested to be changed to "S53".

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In page 32 line 5 the recitation "55" is improper. It is suggested to be changed to "S55".

In page 32 line 7 the recitation "56" is improper. It is suggested to be changed to "S56".

In page 32 line 11 the recitation "55" is improper. It is suggested to be changed to "S55".

In page 32 line 13 the recitation "57" is improper. It is suggested to be changed to "S57".

In page 32 line 15 the recitation "54" is improper. It is suggested to be changed to "S54".

In page 32 line 16 the recitation "60" is improper. It is suggested to be changed to "S60".

In page 32 line 18 the recitation "61" is improper. It is suggested to be changed to "S61".

In page 32 line 21 the recitation "62" is improper. It is suggested to be changed to "S62".

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: the recitation in line 2 of claim 1 "the step" is indefinite, it is suggested to be changed to "a step"; the recitation in line 5 of claim 1 "if it is" is indefinite, it is suggested to be changed to "when it is"; the recitation in line 6 of claim 1 "the data" is indefinite, it is suggested to be changed to "a data"; the recitation in line 9 of claim 1 "the

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conventional" is indefinite, it is suggested to be changed to "a conventional"; the recitation in line 18 of claim 1 "the data" is indefinite, it is suggested to be changed to "a data"; the recitation in line 19 of claim 1 "the number" is indefinite, it is suggested to be changed to "a number"; the recitation in line 19 of claim 1 "the data" is indefinite, it is suggested to be changed to "a data"; the recitation in line 20 of claim 1 "the number" is indefinite, it is suggested to be changed to "a number".

Claim 2 is objected to because of the following informalities: the recitation in line 2 of claim 2 "the block" is indefinite, it is suggested to be changed to "a block"; the recitation in line 4 of claim 2 "the block" is indefinite, it is suggested to be changed to "a block"; the recitation in line 5 of claim 2 "if it" is indefinite, it is suggested to be changed to "when it".

Claim 3 is objected to because of the following informalities: the recitation in line 2 of claim 3 "if it is" is indefinite, it is suggested to be changed to "when it is".

Claim 5 is objected to because of the following informalities: the recitation in line 4 of claim 5 "the number of clock" is indefinite, it is suggested to be changed to "a number of clock".

Claim 7 is objected to because of the following informalities: the recitation in line 2 of claim 7 "if it is required" is indefinite, it is suggested to be changed to "when it is required".

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Claim 8 is objected to because of the following informalities: the recitation in line 3 of claim 8 "bit shaft command" is indefinite, it is suggested to be changed to "bit shift command".

Claim 9 is objected to because of the following informalities: the recitation in line 2 of claim 9 "if it is required" is indefinite, it is suggested to be changed to "when it is required".

Claim 10 is objected to because of the following informalities: the recitation in line 2 of claim 10 "if it is required" is indefinite, it is suggested to be changed to "when it is required".

Claim 11 is objected to because of the following informalities: the recitation in lines 2-3 of claim 11 "bit shaft command" is indefinite, it is suggested to be changed to "bit shift command".

Claim 12 is objected to because of the following informalities: the recitation in line 4 of claim 12 "the number of clock" is indefinite, it is suggested to be changed to "a number of clock".

Claim 13 is objected to because of the following informalities: the recitation in line 5 of claim 13 "the received mode" is indefinite, it is suggested to be changed to "a received mode".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-4 and 7-9 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. Claims 1-4 and 7-9 provides for the use of a method for synchronous serial communication, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 5 and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 5 of claim 5 the recitation "each of the transmission modes above" is vague and indefinite because it is not clear with modes are referring to.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 5 of claim 12 the recitation "each of the transmission modes above" is vague and indefinite because it is not clear with modes are referring to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms (US 6108723) in view of Seki (JP Publication number 63-254554).

As per claim 6 Simms discloses a system for synchronous serial communication, which comprises a data receiving component comprising a storage means to store data (figure 2 block 208 column 5 line 7); and a control means to cause the received data to be stored in the storage means (figure 2 block 206 column 5 lines 10-14). Simms doesn't disclose an analysis means to identify the communication mode of received data based on the received mode information. Seki discloses an analysis means to identify the communication mode of received data based on the received mode information (unit 11 constitution). Simms and Seki are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to supplement the data transfer system disclosed by Simms with the data mode discrimination disclosed by Seki. The suggestion/motivation for doing so would have been to obtain a data transfer system, which requires a small-capacity buffer (Seki abstract). Therefore, it would have been obvious to combine Simms with Admission to obtain the invention as specified in claim 6.

As per claim 13 Simms discloses a system for synchronous serial communication which comprises a data receiving component comprising a memory which stores data (figure 2 block 208 column 5 line 7) and a control unit which causes the received data to be stored in the memory according to the

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mode identified by the analysis unit (figure 2 block 206 column 5 lines 10-14).

Simms doesn't disclose an analysis unit, which identifies a communication mode of received data based on the received mode information. Seki discloses an analysis unit, which identifies a communication mode of received data based on the received mode information (unit 11 constitution). Simms and Seki are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to supplement the data transfer system disclosed by Simms with the data mode discrimination disclosed by Seki. The suggestion/motivation for doing so would have been to obtain a data transfer system which requires a small-capacity buffer (Seki abstract). Therefore, it would have been obvious to combine Simms with Admission to obtain the invention as specified in claim 13.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
1-25-2005



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